THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.5655 of 2000

Dated : 03.07.2007

Between:

Smt.Narasamma W/o Ramappa @ Ramulu and others.

..... PETITIONERS

And:

The Municipal Corporation of Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.5655 of 2000

ORDER:

Petitioners were assigned the land situated at Hamalbasthi, Jamistanpur, Secunderabad, by the Revenue Divisional Officer, Hyderabad-second respondent herein, in the year 1988. Thereafter, they constructed houses, bearing Door Nos.6-1-252 and 6-1-274/1, and are residing therein. However, they allege that the third respondent, along with police, visited their houses on 28.03.2000 and demolished their neighbouring houses and also threatened the petitioners that if they do not vacate their houses, they would be demolished. They further allege that despite showing the pattas granted to them, the respondents threatened them with dire consequences. Hence, this writ petition.

A detailed counter has been filed by the third respondent. It is stated, *inter alia*, in the counter that there was a talk about mismanagement by the beneficiaries in succeeding to get their kith and kin photographed with vested interest to get one more house in one and the same family and also several representations were made by various party-men in that regard, and hence, the matter was entrusted to the Joint Collector, Hyderabad, to distribute possession certificates at door step of the beneficiaries after due verification of genuineness of the beneficiary. It is further stated that the said work has been commenced and possession certificates were distributed to the beneficiaries giving preference to the beneficiaries who are voluntarily coming forward to remove their houses for achieving better progress in Housing Programme. It is further stated that semi pucca houses were demolished for taking up housing programme, and all the houses, except the houses of the petitioners were demolished.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The fact about the issuance of pattas, possession and construction of houses by the petitioners is not disputed by the respondents. A perusal of the counter shows that only for giving house site pattas under housing programme, the respondents intended to demolish the houses of the petitioners. As it is the contention of the petitioners that they were also granted pattas, respondents cannot demolish their houses without issuing any notice to them and without following due process of law. Therefore, the respondents are hereby directed to issue notice to the petitioners ascertaining the fact as to whether they are genuine beneficiaries or not and ultimately take further action, if it is found that they are bogus beneficiaries.

Subject to the above direction, the writ petition is disposed of. There shall be no order as to costs.

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03.07.2007

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